

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Monday 4 April 2022 at 9.30 am**

Present:

Councillor R Potts (Chair)

Members of the Committee:

Councillors I McLean, E Peeke and M Wilson

Also Present:

Helen Johnson – Licensing Team Leader, DCC

Sarah Grigor – Solicitor, DCC

Responsible Authorities

John Hayes – Environmental Health, DCC

Sgt Caroline Dickenson – Durham Constabulary

Other Persons

Councillor Alex Watson – on behalf of Mrs Heppell

Mr and Mrs Lidster

Mr and Mrs Scudder

Mrs Looney

1 Apologies for Absence

An apology for absence was received from Councillor Liz Brown.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 10 January 2022 were agreed as a correct record and were signed by the Chair.

5 Application to Vary a Premises Licence - Consett and District Cricket Club, Hope Street, Blackhill, Consett

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application to vary a Premises Licence in respect of Consett and District Cricket Club, Hope Street, Blackhill (for copy see file of Minutes).

A copy of the application and supporting information had been circulated to all parties. The Licensing Team Leader presented the report and referred to the additional information provided by Environmental Health and the Applicant, together with additional information received from the Police that morning which had been circulated to all parties.

The Responsible Authorities were invited to address the Sub-Committee.

Sgt Caroline Dickenson spoke on behalf of Durham Constabulary and read through their representations which were included in the report and the additional information.

John Hayes, Principal Public Protection Officer addressed the Sub-Committee on behalf of Environmental Health, and read through their representations which were included in the report and the additional information. Mr Hayes noted the additional information received from the Applicant but stated that this did not alter the views of Environmental Health.

The other persons were invited to speak at this point.

Local Member Alex Watson spoke on behalf of Mrs Carolyn Heppell. The Councillor stated that Mrs Heppell was one of many objectors to the application. The potential for late night disturbance to residents in the locality who were vulnerable would increase and this concern had been borne out by previous events at the premises. When residents had raised issues previously with the Cricket Club directly, promises had been made but were not adhered to.

Residents were not opposed to the Club and welcomed what it did for the community, especially for children, but this should not be at the expense of the quality of life of residents, which would be threatened if the application was granted.

Mrs Susan Lidster addressed the Sub-Committee who was of the view that the existing licence was more than adequate. Many problems had been experienced within the current conditions. Residents had been good

neighbours towards the Club and had reported any issues directly to the Club not the Police.

There had been no problems prior to 2018. In 2019 residents had experienced intolerable levels of noise at a DJ marquee event until 11pm, despite asking officials at the event to reduce noise levels. Mrs Lidster's husband had contacted Mr Cox who he felt had shown no respect to the community and had been disgusted with his response.

Customers leaving the premises always seemed to cause problems.

Following a further marquee event in February 2020, the noise levels were such that she had contacted the Police and Environmental Health.

In May 2021 Mrs Lidster had contacted Mr Cox to wish the Club success at the event held over the weekend. However the music increased in volume across the weekend with groups of young people jumping between cars, urinating and vomiting. When Mr Cox was contacted about the event he had said 'we hope you enjoyed the free music'. He said that he would erect signage and introduce other measures but had only erected the signs to date.

Mrs Lidster asked if Mr Cox could have approached residents before he submitted the application to discuss. Residents in the locality were predominantly elderly and vulnerable.

Mr Cox had referred to a number of letters of support from local residents but this was not representative of local residents who lived directly adjacent to the Club. They had always tried to negotiate with the Club to address concerns.

If the application was granted residents believed that the Club would maximise the licensable activities allowed and become a pub rather than a club.

Mr Ted Lidster addressed the Sub-Committee.

He explained that in addition to his wife's comments he concurred with the letters in support; the Club was an excellent facility for the sport.

He noted that Mr Cox had stated that he would not encourage the sale of alcohol at junior events, so asked why he had requested it. At junior events parents went to watch their children play, not to drink alcohol.

He believed that the application was to allow the premises to hold beer festivals, weddings, music events etc, although Mr Cox had said that the downstairs area would not be run as a bar.

In conclusion Mr Lidster asked the Sub-Committee to take into account the representations of the Responsible Authorities and the residents. The issues of noise, anti-social behaviour, underage drinking and substance abuse continued to be a concern. He had no objection to the patio as it was a lovely place to sit and he noted that Mr Cox had said that he would stop selling alcohol downstairs at 10pm.

Mr Scudder addressed the Sub-Committee. He stated that he did not wish for any event associated with the Club to be stopped. Introducing a downstairs bar was welcomed as he and his wife had been unable to access the bar upstairs.

The letters of support were all from residents who lived nowhere near the premises, and were from parents whose children used the Club.

Mr Scudder's objection related to the outside events; the adjacent bungalows were very close to the premises. The cricketers parked respectfully but during events the car park itself was not used by the players and parking spilled out onto the nearby streets, and they had been blocked in on occasions. They had been promised residents only car-parking but this had not happened. They had witnessed cars speeding from Redworth Court onto Hope Street, and these problems were exacerbated when there was an event. Customers used their property as a short-cut and a public toilet.

Mr Cox had said that the Club would not use all the hours applied for so Mr Scudder asked why they were needed. In conclusion he supported the Cricket Club and if outdoor events were not held then the problems would be removed.

Mrs Scudder addressed the Sub-Committee and stated that as a person who was disabled and a wheelchair user, her safety was at risk. It was difficult for her to be seen by cars and visitors to the Club often parked on the dropped kerb outside her home. This was not kind or considerate and the problem had worsened in the last three years. If there was a fire she would not be able to get out of her property because of the parked cars. Mrs Scudder asked that cars be prevented from parking outside her home and that the noise from the outdoor events be stopped.

Mrs Looney addressed the Sub-Committee. She lived at the end of Hope Street, and emphasised that she had spent some lovely times watching cricket at the Club.

Mrs Looney had complained about the DJ event, and was pleased to note that it wouldn't happen again. However she had experienced customers leaving the Club knocking on her window and sitting on her windowsill, and she was concerned that this would worsen if the application was granted. It was a shame that the Club was not a venue that everyone could enjoy visiting. There were a lot of issues raised by residents and she accepted that Mr Cox had tried to address some of their concerns.

Mr Cox addressed the Sub-Committee and stated that he appreciated the comments that had been made, and that the primary reason for the application was for the creation of a downstairs serving point to address accessibility. It was not intended to be a sit-in bar. The picnic tables were located away from Redwood Court.

He had made a great error with the DJ event and hadn't appreciated the noise levels that would occur. Prior to him becoming the DPS the management controls in the Club had not been strict enough, and in 2020 a huge change in the Club's management had been implemented to address the issues of the past. This included the operation of the bar.

The Club was entirely run by volunteers as a cricket club and as such there was no desire for the premises to move towards being like a town centre establishment.

The sale of alcohol in the downstairs area was to allow it to be opened as a serving point. Teas/coffees and sweets etc would be sold in the main and it would not be open most days. It would open the following day for a darts match and then not until Easter. It would only be open for matches, training and the odd event. There had only been three events in the last year and the Club had no desire to exceed that number. Mr Cox stated that he was willing to include that as a condition.

With regard to the concerns regarding the removal of the requirement for a door supervisor, he explained that this was an error and he would be happy for this to be included as a condition.

The Club had no intention of holding under 18 music events and all children must be accompanied by parents.

To address the concerns regarding events a risk assessment would be carried out which would be specific to each event. All events would be ticket only. He confirmed that signs had been displayed requesting customers to respect their neighbours. A CCTV system was being installed shortly and additional lighting had been fitted outside.

He would be happy to include conditions regarding the serving point, and advised that up to 10pm was sufficient for alcohol sales in that area.

Addressing the variation application, Mr Cox stated that he was happy to compromise, and on reflection did not need the maximum parameters he had applied for. At this point the Licensing Team Leader suggested that the Sub-Committee consider an adjournment of the hearing to allow discussion between the Applicant, and Responsible Authorities around the licensable activities and hours applied for.

The Sub-Committee agreed that this would be useful and the Chair adjourned the hearing at 11.00am.

After re-convening at 11.25am the Licensing Team Leader presented the following amendments to the application following mediation between the Licence Holder and Responsible Authorities:

- The removal of live and recorded music both indoors and outdoors (live and recorded music was permitted between 8.00pm and 11.00pm for up to 500 people within the licensing regime).
- Removal of performance of dance
- Marquee:
 - to be used only between the months of May and September for no more than four events, and not on consecutive nights;
 - recorded music between the hours of 6.00pm and 10.30pm;
 - live music between the hours of 7.00pm and 10.00pm
- Sale of alcohol on the premises:
 - Ground Floor– Monday to Sunday 12.30pm until 10.00pm, and 10.30pm during marquee events
 - First Floor – Monday to Sunday 11.00am to 11.00pm
- Door Supervisor condition to be reinstated
- Conditions regarding the CCTV system
- Conditions regarding staff training
- No music events for Under 18s
- Children to be accompanied by a responsible adult

All parties were given an opportunity to ask questions of the proposals.

In response to questions Mr Cox confirmed that the application to vary the Premises Licence had been made primarily to accommodate the storage and sale of alcohol in the downstairs bar area. Four events per year had been agreed which would avoid the need to submit TEN applications.

Sgt Dickenson noted that the hours had been reduced on Fridays and Saturdays but that there were other complaints around drunkenness and noise.

John Hayes, Environmental Health stated that he had provided advice to Mr Cox that if noise levels exceeded 65 decibels outside residents' properties then the volume must be reduced.

Mr Lidster believed that the marquee was in breach of building regulations and was advised that this was a planning matter which was outside the remit of the licensing regime.

Mrs Scudder considered that the problems she experienced would continue as her property was located next to the marquee.

Councillor McLean suggested that a condition be included requiring the Club to meet regularly with residents to discuss any concerns.

All parties were given an opportunity make any final comments. At 11.45am Councillors R Potts, I McLean and M Wilson **Resolved** to retire in private to consider the application.

After re-convening at 12.05pm the Chair delivered the Sub-Committee's decision. In reaching their decision, the Sub-Committee had taken into account the report of the Licensing Team Leader, the additional information provided, and the written and verbal representations of the Applicant, the Police, Environmental Health and local residents. Members had also considered Durham County Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

RESOLVED:

That the Premises Licence be varied as follows, in accordance with the mediation between the Licence Holder and Responsible Authorities:

- the provision of live music, performances of dance and recorded music are removed from the licence.
- The sale of alcohol for on sales is limited to Monday to Sunday 12.30pm to 22.00pm in the ground floor bar.
- The sale of alcohol for first floor bar is to limited from Monday to Sunday between 11am to 11pm and indoor sporting events can take place Monday to Sunday between 11am to 11pm.
- Indoor sporting events are to take place between Monday to Sunday 11am to 11pm.

- There are to be no more than four outdoor marquee events between May and September and these are not to be on consecutive nights. For these marquee events there is to be recorded music between 6pm to 22.30pm and Live Music between 7pm and 22.00pm.
- At the request of the residents, a meeting is to be arranged to discuss any issues that may arise.
- A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally. Recorded CCTV images will be maintained and stored for a period of twenty eight days and shall be produced to the Police or Licensing Authority upon request. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and be able to produce CCTV images to an officer from a responsible authority upon request. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment to be carried out by the DPS.
- There are to be no under 18 events and any children under the age of 18 are to be accompanied by a responsible adult.